

**TEXT OF PROPOSED REGULATIONS  
ELECTRONIC HAZARDOUS WASTE  
Department Reference Number: R-01-06**

**Legend:** Changes are shown from the existing text of California Code of Regulations, title 22, as:

Underline	<u>underline</u>	Additions to existing text
Strikeout	<del>strikeout</del>	Deletions to existing text

For the convenience of the reader, text adopted in the Cathode Ray Tube Emergency Regulations is shown as italic (*italic*) text and text deleted from the Cathode Ray Tube Emergency Regulations is shown as italic/strikeout (~~*italic/strikeout*~~).

**Amend** the Table of Contents by adding sections 66260.22, 66260.23, 66273.3, and 66273.6 and adding a new article 7 to California Code of Regulations, title 22, division 4.5, chapter 23, to read as follows:

Table of Contents

\*\*\*

Chapter 10. Hazardous Waste Management System: General

\*\*\*

§ 66260.22. Petitions to Include Other Wastes under Chapter 23.

§ 66260.23. Factors for Petitions to Include Other Wastes under Chapter 23.

\*\*\*

Chapter 23. Standards for Universal Waste Management

\*\*\*

§ 66273.3 ~~[Reserved.]~~ Applicability--Consumer Electronic Devices.

§ 66273.6 ~~Applicability--CRT Materials.~~

\*\*\*

§ 66273.8 ~~Household, Conditionally Exempt Small Quantity Generator and Electronic Product Generator~~ Exemptions.

\*\*\*

*Article 7. Standards for CRT Material Handlers*

§ 66273.80 *Applicability.*

§ 66273.81 *Prohibitions.*

§ 66273.82 *Notification Requirements for CRT Material Handlers.*

§ 66273.83 *Waste Management.*

§ 66273.84 *Labeling/Marking.*

§ 66273.85 *Accumulation Time Limits.*

§ 66273.86 *Employee Training.*

§ 66273.87 *Response to Releases.*

§ 66273.88 *Off-Site Shipments.*

§ 66273.89 *Tracking Universal Waste Shipments of CRT Materials.*

§ 66273.90 *Exports.*

**Add** California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.22 to read:

**§ 66260.22. Petitions to Include Other Wastes Under Chapter 23.**

(a) Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations contained in chapter 23 of this division shall petition for a regulatory amendment under this section and Government Code section 11340.6, except that the demonstration of statutory authority in Government Code section 11340.6(c) is not required for a petition or a request to reconsider the Department's denial of a petition.

(b) To be successful, the petitioner shall demonstrate to the satisfaction of the Director that regulation under the Universal Waste Rule contained in chapter 23 of this division:

(1) is appropriate for the waste or category of waste;

(2) will improve management practices for the waste or category of waste; and

(3) will improve implementation of the hazardous waste program.

(c) The petition shall include the information, in writing, required by Government Code section 11340.6.

(d) The petition shall address as many of the factors listed in section 66260.23 as are appropriate for the waste or waste category addressed in the petition.

(e) The Director will evaluate and grant or deny petitions using the factors listed in section 66260.23 and the petition review process specified in Government Code section 11340.7. The decision will be based on the weight of evidence showing that regulation under chapter 23 of this division is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

NOTE: Authority cited: Sections 25159 and 58012, Health and Safety Code. Reference: Section 25159.5, Health and Safety Code and Sections 11340.6 and 11340.7, Government Code; 40 CFR Section 273.80.

**Add** California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.23 to read:

**§ 66260.23. Factors for Petitions to Include Other Wastes Under Chapter 23.**

The Director will evaluate petitions submitted under section 66260.22 using the following factors:

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in article 4 of chapter 11 of this division, or if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in article 3 of chapter 11 of this division. [When a characteristic waste is added to the universal waste regulations in chapter 23 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in section 66260.10 of this chapter and section 66273.9 of chapter 23 will be amended to include only hazardous waste portions of the waste category (e.g., hazardous waste batteries).] Thus, only the portion of the waste stream that exhibits one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of chapter 23;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, governmental organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to sections 66273.13, 66273.33, and 66273.52; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or waste category under chapter 23 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal wastestream, non-hazardous industrial or commercial wastestream, municipal sewer or stormwater systems) to recycling, treatment or disposal in compliance with this division and division 20 of the California Health and Safety Code;

(g) Regulation of the waste or category of waste under chapter 23 will improve implementation of and compliance with the hazardous waste regulatory program; and/or;

(h) Such other factors as may be appropriate.

NOTE: Authority cited: Sections 25159 and 58012, Health and Safety Code. Reference: Section 25159, Health and Safety Code; 40 CFR Section 273.81.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.9 to read:

**§ 66261.9. Requirements for Universal Waste.**

(a) The wastes listed in this section are exempt from regulation under chapter 6.5 of division 20 of the California Health and Safety Code and its implementing regulations except as specified in chapter 23 and, therefore, are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under chapter 23:

- (1) Batteries as described in section 66273.2;
- (2) Thermostats as described in section 66273.4; ~~and~~
- (3) Lamps as described in section 66273.5- ;
- (4) Cathode ray tube materials, as described in section 66273.6;
- (5) Consumer electronic devices as described in section 66273.3;
- (6) Aerosol cans as specified in Health and Safety Code section 25201.16; and
- (7) Mercury-containing motor vehicle light switches as specified in Health and Safety Code section 25214.5.

~~(b) Waste cathode ray tube materials as described in section 66273.6 are conditionally exempt from classification as hazardous waste provided that they are managed in compliance with the standards of chapter 23.~~

(e) ~~(b)~~ Universal wastes shall be managed as hazardous wastes after arrival at a destination facility.

~~(d)~~ (c) Wastes specified in subsections (a) ~~and (b)~~ shall be known as “universal wastes”.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR section 261.9.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 14, section 66264.1 to read:

**§ 66264.1. Purpose, Scope and Applicability.**

(a) The purpose of this chapter is to establish minimum standards which define the acceptable management of hazardous waste.

(b) The standards in this chapter apply to owners and operators of all facilities which transfer, treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) The requirements of this chapter apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et seq.) only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division. Such person shall comply with the requirements of chapter 14 of this division when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

(d) (Reserved)

(e) The requirements of this chapter apply to the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division.

(f) (Reserved)

(g) The requirements of this chapter do not apply to:

(1) (reserved);

(2) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(3) a generator accumulating waste on-site in compliance with section 66262.34 of this division;

(4) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(5) (reserved);

(6) (reserved);

(7) (reserved);

(8)(A) except as provided in subsection (g)(8)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;

2. an imminent and substantial threat of a discharge of hazardous waste;

3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (g)(8)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities;

(9) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(10) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and sections 66264.17(b), 66264.171, and 66264.172 are complied with;

(11) persons managing hazardous waste in a hazardous waste management unit not subject to 40 CFR Part 264 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 CFR Section 264.1(g), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(12) Universal waste handlers and universal waste transporters (as defined in section 66273.9) handling the wastes listed below. These handlers are subject to regulation under chapter 23, when handling the below listed universal wastes listed in section 66261.9(a) of this division.

~~(A) Batteries as described in section 66273.2;~~

~~(B) Thermostats as described in section 66273.4; and~~

~~(C) Lamps as described in section 66273.5.~~

(h) The requirements of this chapter apply to owners or operators of all facilities which ~~that~~ transfer, treat, store, or dispose of hazardous wastes referred to in chapter 18 of this division.

NOTE: Authority cited: 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 264.1.



**Amend** California Code of Regulations, title 22, division 4.5, chapter 15, section 66265.1 to read:

**§ 66265.1. Purpose, Scope, and Applicability.**

(a) The purpose of this chapter is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(b) Except as provided in section 66265.1080(b), the standards of this chapter, and of article 15.1 of chapter 14 of this division, apply to owners and operators of facilities that transfer, treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Health and Safety Code section 25200.5 and section 66270.10 of this division until either a permit is issued under Health and Safety Code section 25200 or until applicable closure and post-closure responsibilities specified in this chapter are fulfilled, and those owners and operators of facilities in existence on November 19, 1980 who have failed to provide timely notification as required by 42 U.S.C. section 6930(a) and/or failed to file Part A of the permit application as required by section 66270.10(e) and (g). These standards apply to all transfer, treatment, storage and disposal of hazardous waste at these facilities, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) Notwithstanding subsection (b), no facility shall operate under interim status if the owner or operator has failed to file Part A of the permit application as required by section 66270.10(e) and (g). A facility operating under interim status shall not:

(1) manage hazardous wastes which are not specified in Part A of the permit application;

(2) employ processes not described in Part A of the permit application; or

(3) exceed the design capacities specified in Part A of the permit application.

(d) The requirements of this chapter do not apply to:

(1) a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et. seq). Such person shall comply with the requirements of this chapter when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this section;

(2) [reserved];

(3) the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste;

(4) [reserved];

(5) [reserved];

(6) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(7) a generator accumulating waste on-site in compliance with section 66262.34 of this division, except to the extent the requirements are included in section 66262.34 of this division;

(8) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(9) [reserved];

(10) [reserved];

(11)(A) except as provided in subsection (d)(11)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of a hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (d)(11)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities.

(12) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(13) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and sections 66265.17(b), 66265.171, and 66265.172 are complied with;

(14) persons managing hazardous waste in a hazardous waste management unit not subject to 40 CFR Part 265 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 CFR section 265.1(c), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(15) Universal waste handlers and universal waste transporters (as defined in section 66273.9) handling the wastes listed below. These handlers are subject to regulation under chapter 23, when handling the below listed universal wastes listed in section 66261.9 of this division.

~~(A) Batteries as described in section 66273.2;~~

~~(B) Thermostats as described in section 66273.4; and~~

~~(C) Lamps as described in section 66273.5.~~

(e) The owner or operator of a facility under subsections (d)(1) through (3) of this section shall be subject to the requirements of chapter 14 of this division to the extent they are included in a permit granted to such a person under 40 CFR Part 122 or under Subchapter H (commencing with Part 220) of chapter I of 40 CFR.

(f) The following hazardous wastes shall not be managed at facilities subject to regulation under this chapter:

(1) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027 unless:

(A) the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

(B) the waste is stored in tanks or containers;

(C) the waste is stored or treated in waste piles that meet the requirements of section 66264.250(c) as well as all other applicable requirements of article 12 of this chapter;

(D) the waste is burned in incinerators that are certified pursuant to the standards and procedures in section 66265.352; or

(E) the waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in section 66265.383.

(g) The requirements of this chapter apply to owners or operators of all facilities which transfer, treat, store or dispose of hazardous waste referred to in chapter 18 of this division, and the chapter 18 standards are considered material conditions or requirements of the chapter 15 interim status standards.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012 Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5, 25200.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 265.1.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 18, section 66268.1 to read:

**§ 66268.1. Purpose, Scope and Applicability.**

(a) This chapter identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

(b) Except as specifically provided otherwise in this chapter or chapter 11 of this division, the requirements of this chapter apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities.

(c) Restricted wastes may continue to be land disposed as follows:

(1) where persons have been granted an extension to the effective date of a prohibition under article 3 of this chapter or pursuant to section 66268.5, with respect to those wastes covered by the extension;

(2) Where persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition;

(3) RCRA hazardous wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this chapter, are not prohibited if the wastes:

(A) Are disposed into a nonhazardous or hazardous injection well; and

(B) Do not exhibit any prohibited characteristic of hazardous waste identified in sections 66261.21, 66261.22(a)(1), 66261.22(a)(2), 66261.23, and 66261.24(a)(1) at the point of injection.

(4) RCRA hazardous wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this chapter, are not prohibited if the wastes meet any of the following criteria, unless the wastes are subject to a specified method of treatment other than DEACT in section 66268.40, or are D003 reactive cyanide:

(A) The wastes are managed in a treatment system which subsequently discharges to waters of the U.S. pursuant to a permit issued under section 402 of the Clean Water Act; or

(B) The wastes are treated for purposes of the pretreatment requirements of section 307 of the Clean Water Act; or

(C) The wastes are managed in a zero discharge system engaged in Clean Water Act-equivalent treatment as defined in section 66268.37; and

(D) The wastes no longer exhibit a prohibited characteristic in sections 66261.21, 66261.22(a)(1), 66261.22(a)(2), 66261.23, and 66261.24(a)(1) at the point of land

disposal (i.e., placement in a surface impoundment).

(5) where persons who own or operate a land treatment facility have been granted by the Department an exemption allowing the disposal of restricted hazardous waste in the land treatment facility pursuant to Health and Safety Code section 25179.12;

(6) where persons who own or operate a surface impoundment have been granted by the Department an exemption allowing the treatment of restricted waste in the surface impoundment in accordance with Health and Safety Code section 25179.11;

(7) where restricted hazardous waste in lab packs has not been restricted or prohibited by the USEPA pursuant to RCRA section 3004 (42 U.S.C. section 6924), as amended.

(d) The requirements of this chapter shall not affect the availability of a waiver under section 121(d)(4) of CERCLA (42 U.S.C. section 9621).

(e) The following hazardous wastes are not subject to any provision of chapter 18:

(1) RCRA hazardous waste generated by small quantity generators of less than 100 kilograms of non-acute hazardous waste or less than 1 kilogram of acute hazardous waste per month, as defined in 40 CFR section 261.5;

(2) waste pesticides that a farmer disposes of pursuant to section 66262.70;

(3) solid hazardous wastes generated in the clean up or decontamination of any site contaminated only by hazardous wastes which have not been restricted or prohibited by the USEPA pursuant to section 3004 of the RCRA (42 U.S.C. section 6924), as amended, and which have complied with California Health and Safety Code section 25179.5(a)(4).

(4) Wastes identified or listed as RCRA hazardous waste after November 8, 1984 for which the Department has not promulgated land disposal prohibitions or treatment standards;

(5) *De minimis* losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable (D001), corrosive (D002), or are organic constituents that exhibit the characteristic of toxicity (D012-D043), and that contain underlying hazardous constituents as defined in section 66260.10, are not considered to be prohibited wastes. *De minimis* is defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment; storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

(f) Effective May 8, 1990, all hazardous wastes are prohibited from land disposal unless the wastes have been exempted, granted a variance or granted an extension under this chapter or pursuant to California Health and Safety Code sections 25179.8, 25179.9, 25179.10, 25179.11 and 25179.12, unless the wastes meet the applicable treatment standards specified under article 4 and article 11 of this chapter, or 40 CFR part 268 or

unless the wastes have a treatment standard that has been repealed pursuant to Health and Safety Code section 25179.6.

(g) Universal waste handlers and universal waste transporters (as defined in section 66273.9) are exempt from sections 66268.7 and 66268.50 for the hazardous wastes listed below. These handlers are subject to regulation under chapter 23, when handling wastes listed in section 66261.9 of this division.

~~(1) Batteries as described in section 66273.2;~~

~~(2) Thermostats as described in section 66273.4;~~

~~(3) Lamps as described in section 66273.5.~~

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25179.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5, 25179.3, 25179.6, 25179.7, 25179.8, 25179.9, 25179.10, 25179.11 25179.12, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 268.1.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 20, section 66270.1 to read:

**§ 66270.1. Purpose and Scope of These Regulations.**

(a) Coverage.

(1) These permit regulations establish provisions for the issuance and administration of hazardous waste permits pursuant to chapter 6.5 of division 20 of the Health and Safety Code (commencing with section 25100).

(2) The regulations in this chapter cover basic permitting requirements, such as application requirements, standard permit conditions, and monitoring and reporting requirements. These regulations are part of a regulatory scheme implementing chapter 6.5 (commencing with section 25100) of division 20 of the Health and Safety Code, set forth in different parts of Title 22, California Code of Regulations.

(3) Technical regulations. The permit program has separate additional regulations that contain technical requirements. These separate regulations are used by the Department to determine what requirements shall be placed in permits if they are issued. These separate regulations are located in chapters 14 and 16 of this division.

(b) Overview of the Permit Program. Not later than 90 days after the promulgation or revision of regulations in chapter 11 of this division, which result in a waste becoming subject to the requirements of this division, generators and transporters of that hazardous waste, and owners or operators of hazardous waste facilities that transfer, treat, store, or dispose of that waste shall file a notification of that activity under Health and Safety Code section 25153.6. After the promulgation of the chapter 11 regulations, transfer, treatment, storage or disposal of the newly regulated hazardous waste by any person who has not filed a notification with the Department and received a permit or grant of interim status is prohibited unless otherwise specifically authorized by the Department or another provision of this division. A permit application consists of two parts, Part A (see section 66270.13) and Part B (see section 66270.14 and applicable sections in sections 66270.15 through 66270.23). For “existing HWM facilities,” the requirement to submit an application is satisfied by submitting only Part A of the permit application until the date the Department sets for submitting Part B of the application. (Part A consists of Forms 1 and 3 of the Consolidated Permit Application Forms.) Timely submission of both notification under Health and Safety Code section 25153.6 and Part A qualifies owners and operators of existing HWM facilities (who are required to have a permit) for interim status under section 25200.5 of the Health and Safety Code. Facility owners and operators with interim status are treated as having been issued a permit until the Department makes a final determination on the permit application. Facility owners and operators with interim status shall comply with interim status standards set forth in chapter 15 of this division. For existing HWM facilities, the Department shall set a date, giving at least 60 days notice, for

submission of Part B of the application.

There is no form for Part B of the application; rather, Part B shall be submitted in narrative form and contain the information set forth in the applicable sections of sections 66270.14 through 66270.23. Owners or operators of new HWM facilities shall submit Parts A and B of the permit application at least 180 days before physical construction is expected to commence.

(c) Scope of the Permit Requirements. A permit is required for the “transfer,” “treatment,” “storage,” and “disposal” of any waste which is hazardous waste pursuant to section 66261.3. The terms “transfer,” “treatment,” “storage,” “disposal,” and “hazardous waste” are defined in section 66260.10. Owners and operators of hazardous waste management units shall have permits during the active life (including the closure period) of the unit. Owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure (according to section 66265.115) after January 26, 1983, shall have post-closure permits, unless they demonstrate closure by removal as provided under subsections (c)(5) and (6) of this section. If a post-closure permit is required, the permit shall address applicable chapter 14 Water Quality Monitoring, Environmental Monitoring, Corrective Action, and Post-closure Care Requirements of this division. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

(1) Specific inclusions. Owners and operators of certain facilities require hazardous waste facility permits as well as permits under other programs for certain aspects of the facility operation. Permits are required for:

(A) injection wells that dispose of hazardous waste, and associated surface facilities that transfer, treat, store or dispose of hazardous waste;

(B) transfer, treatment, storage, or disposal of hazardous waste at facilities requiring an NPDES permit. However, the owner or operator of a publicly owned treatment works receiving hazardous waste shall be deemed to have a permit for treatment of that waste if the owner or operator complies with the requirements of Section 66270.60(d)(1).

(C) barges or vessels that dispose of hazardous waste by ocean disposal. However, the owner or operator of the barge or vessel shall be deemed to have a permit for ocean disposal from the barge or vessel if the owner or operator complies with the requirements of section 66270.60(d)(2).

(D) treatment of hazardous wastes using a Transportable Treatment Unit (TTU). However, the owner or operator of a transportable treatment unit (TTU) shall be deemed to have a permit to operate the TTU when the owner or operator submits completed TTU notifications as specified in Section 67450.2(a) and 67450.3(a)(3) and receives acknowledgments from the Department authorizing operation of the TTU pursuant to sections 67450.2(a)(3) and 67450.3(b).

(E) treatment of hazardous wastes using a Fixed Treatment Unit (FTU). However,



the owner or operator of a fixed treatment unit (FTU) shall be deemed to have a permit to operate the FTU when the owner or operator submits a completed FTU facility-specific notification as specified in Section 67450.2(b) and receives an acknowledgment from CUPA or authorized agency authorizing operation of the FTU pursuant to section 67450.2(b)(5).

(F) operation of a temporary household hazardous waste collection facility (THHWCF). However, the operator of a THHWCF shall be deemed to have a permit to operate the THHWCF when the operator submits a completed THHWCF notification as specified in Section 66270.60(d)(5)(A).

(2) Specific exclusions. The following persons are among those who are not required to obtain a permit:

(A) generators who accumulate hazardous waste on site without meeting the definition of a storage facility set forth in Health and Safety Code Section 25123.3;

(B) farmers who dispose of hazardous waste pesticides from their own use as provided in section 66262.70;

(C) transporters storing manifested shipments of hazardous waste in containers at a transfer facility, and transfer facilities storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(D) persons adding absorbent material to waste in a container (as defined in section 66260.10 of this division) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and sections 66264.17(b), 66264.171, and 66264.172 of this division are complied with.

(E) Universal waste handlers and universal waste transporters (as defined in section 66273.9) managing the wastes listed below. These handlers are subject to regulation under chapter 23, when handling wastes listed in section 66261.9 of this division.

~~1. Batteries as described in section 66273.2;~~

~~2. Thermostats as described in section 66273.4;~~

~~3. Lamps as described in section 66273.5.~~

(3) Further exclusions.

(A) A person is not required to obtain a permit for treatment or containment activities which are necessary to perform an immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste.

(B) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable

requirements of this chapter for those activities.

(4) Permits for less than an entire facility. The Department may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

(5) Closure by removal. Owners/operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under the standards of chapter 15 of this division shall obtain a post-closure permit unless they can demonstrate to the Department that the closure met the standards for closure-by-removal or decontamination in sections 66264.228, 66264.280(e), or 66264.258, respectively. The demonstration may be made in the following ways:

(A) If the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that the closure-by-removal or decontamination standards of chapter 14 of this division were met. If the Department believes that the chapter 14 standards were met, the Department will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in paragraph (c)(6) of this section.

(B) If the owner/operator has not submitted a Part B application for a post-closure permit, the owner/operator may petition the Department for a determination that a postclosure permit is not required because the closure met the applicable closure-by-removal or decontamination standards of chapter 14 of this division.

1. The petition shall include data demonstrating that the applicable chapter 14 closure-by-removal or decontamination standards were met.

2. The Department shall approve or deny the petition according to the procedures outlined in subsection (c)(6) of this section.

(6) Procedures for closure equivalency determination.

(A) If a facility owner/operator seeks an equivalency demonstration under section 66270.1(c)(5), the Department shall provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner/operator within 30 days from the date of the notice. The Department shall also, in response to a request or at the Department's own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the closure under chapter 15 of this division to a closure-by-removal or decontamination under chapter 14 of this division. The Department shall give public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.

(B) The Department shall determine whether the closure under chapter 15 of this

division met the closure-by-removal or decontamination requirements of chapter 14 of this division within 90 days of receipt of a petition requesting a closure equivalency determination. If the Department finds that the closure did not meet the applicable chapter 14 standards, the Department shall provide the owner/operator with a written statement of the reasons why the closure failed to meet chapter 14 standards. The owner/operator may submit additional information in support of an equivalency demonstration within 30 days after receiving such written statement. The Department shall review any additional information submitted and make a final determination within 60 days.

(C) If the Department determines that the facility did not close in accordance with the closure-by-removal or decontamination standards of chapter 14 of this division, the facility is subject to post-closure permitting requirements.

(d) Where waste discharge requirements are established pursuant to sections 13260 and 13263 of the Water Code, they shall be incorporated as a condition of the Hazardous Waste Facility Permit issued to the applicant pursuant to this chapter to the extent the Department determines the waste discharge requirements are not less stringent than this division or chapter 6.5 of division 20 of the Health and Safety Code. The Department may establish in the permit more stringent requirements which the Department determines are necessary or appropriate to carry out this division of chapter 6.5 of division 20 of the Health and Safety Code.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 270.1.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.1 to read:

**66273.1. Scope.**

(a) This chapter establishes requirements for managing the following:

- (1) Batteries as described in section 66273.2;
- (2) Thermostats as described in section 66273.4;
- (3) Lamps as described in section 66273.5; ~~and~~
- (4) *Cathode ray tube materials as described in section 66273.6;* ;
- (5) Consumer electronic devices as described in section 66273.3;
- (6) Aerosol cans as specified in Health and Safety Code section 25201.16; and
- (7) Mercury-containing motor vehicle light switches as specified in Health and Safety Code section 25214.5.

(b) This chapter provides an alternative set of management standards in lieu of regulation as hazardous wastes under chapters 10 through 22 of this division.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR section 273.1.

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.3 to read:

**§ 66273.3. ~~[Reserved]~~ Applicability--Consumer Electronic Devices.**

(a) Consumer electronic devices covered under chapter 23.

(1) The requirements of this chapter apply to persons managing consumer electronic devices, as described in section 66273.9, except those listed in subsection (b) of this section.

(2) Discarded consumer electronic devices that are hazardous solely because the device exhibits the characteristic of toxicity specified in section 66261.24 may be managed as a universal waste.

(b) Consumer electronic devices not covered under chapter 23.

The requirements of this chapter do not apply to persons managing the following consumer electronic devices:

(1) Consumer electronic devices that are not yet wastes under chapter 11.

Subsection (c) of this section describes when consumer electronic devices become wastes.

(2) Consumer electronic devices that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(c) Generation of waste consumer electronic devices.

(1) A used consumer electronic device becomes a waste on the date it is discarded (e.g., when sent for reclamation).

(2) An unused consumer electronic device becomes a waste on the date the handler decides to discard it.

NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.4 to read:

**§ 66273.4. Applicability--Mercury Thermostats.**

(a) Thermostats covered under chapter 23.

The requirements of this chapter apply to persons managing thermostats, as described in ~~Section 66273.6~~ 66273.9, except those listed in subsection (b) of this section.

(b) Thermostats not covered under chapter 23.

The requirements of this chapter do not apply to persons managing the following thermostats:

(1) Thermostats that are not yet wastes under chapter 11. Subsection (c) of this section describes when thermostats become wastes.

(2) Thermostats that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.

(c) Generation of waste thermostats.

(1) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

(2) An unused thermostat becomes a waste on the date the handler decides to discard it.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code; 40 CFR Section 273.4.

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.6 to read:

**66273.6. Applicability--CRT materials.**

*(a) CRT materials covered under ~~this chapter~~ 23.*

*The requirements of this chapter apply to CRT materials, as described in section 66273.9, except those listed in subsection (b).*

*(b) CRT materials not covered under ~~this chapter~~ 23.*

*The requirements of this chapter do not apply to the following CRT materials:*

*(1) CRT materials that are not yet wastes under chapter 11 as provided in subsection (c) of this section;*

*(2) CRT materials that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11;*

*(3) CRT materials that are destined for disposal or are disposed to a class I landfill, in which case the CRT materials shall be managed as hazardous waste under chapters 10 through 22;*

*(4) CRT materials that are managed as hazardous waste under chapters 10 through 22 of this division;*

*(5) CRT materials exempted pursuant to subsection 66273.8(f);*

*(6) CRT materials that were previously wastes under chapter 11, but are no longer wastes (e.g., a discarded CRT device that is refurbished and is returned to service).*

*(c) Generation of CRT materials.*

*(1) A CRT device or CRT becomes a waste on the date when the earlier of the following occur:*

*(A) The owner discards it; or*

*(B) The CRT or the CRT in the CRT device is physically cracked, broken, or shattered.*

*(2) CRT glass released or derived from a CRT or a CRT device becomes a waste on the date that the CRT glass is released or derived from the CRT or the CRT device.*

**NOTE:** Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.8 to read:

**~~66273.8. Household, and Conditionally Exempt Small Quantity Generator and Electronic Product Generator Exemptions.~~**

(a) Temporary disposal exemption.

~~(1)~~ (1) Through February 8, 2006, universal waste *batteries, universal waste lamps, and universal waste mercury thermostats* and universal waste consumer electronic devices produced by a household, as defined in section 66273.9, ~~produced~~ incidental to owning or leasing and maintaining a place of residence, ~~is~~ are not classified as hazardous waste and may be managed as non-hazardous solid waste, provided ~~it is recycled by a destination facility or is~~ they are disposed in a landfill permitted to accept municipal solid waste or hazardous waste.

~~(b)~~ (2) Through February 8, 2004, 100 kilograms (220 pounds) or less per month of universal waste batteries, universal waste thermostats, and universal waste lamps generated by conditionally exempt small quantity universal waste generators as defined in section 66273.9 may be managed as non-hazardous waste, provided ~~it is~~ they are recycled by a destination facility or ~~is~~ are disposed in a landfill permitted to accept municipal solid waste or hazardous waste and the generator remains in compliance with subsections ~~(c)(2)~~ (a)(3)(B), ~~(c)(3)~~ (a)(3)(C), and ~~(c)(4)~~ (a)(3)(D) of this section. The quantity limit applies to the total amounts of universal waste batteries, universal waste thermostats, and universal waste lamps added together.

~~(c)~~ (3) From February 9, 2004 through February 8, 2006, universal waste *batteries, universal waste lamps and universal waste mercury thermostats* produced by a conditionally exempt small quantity universal waste generator, as defined in section 66273.9, may be managed as non-hazardous solid waste, provided they are managed according to the following criteria:

~~(4)~~ (A) Universal wastes are disposed as non-hazardous waste in no more than the following quantities:

~~(A)~~ 1. No more than 30 universal waste lamps in any calendar month; and

~~(B)~~ 2. No more than 20 pounds of universal waste batteries in any calendar month; and

~~(C)~~ 3. No universal waste thermostats.

~~(2)~~ (B) The generator's total generation of RCRA hazardous waste and universal waste does not exceed 100 kilograms (220 pounds) or, if the generator generates acutely hazardous waste, 1 kilogram (2.2 pounds) of acutely hazardous waste, in any calendar month.

~~(3)~~ (C) The waste is recycled by a destination facility or disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and



~~(4) (D)~~ The generator remains in compliance with 40 CFR section 261.5.

(4) Through February 8, 2006, universal waste consumer electronic devices generated by conditionally exempt small quantity universal waste generators as defined in section 66273.9 may be managed as non-hazardous solid waste, provided they are recycled by a destination facility or are disposed in a landfill permitted to accept municipal solid waste or hazardous waste and the generator remains in compliance with subsections (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this section.

~~(d) (5)~~ Persons who commingle the household and conditionally exempt small quantity universal waste generator wastes described in subsections ~~(a), (b), and (c)~~ (a)(1), (a)(2), and (a)(3) of this section together with other universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.

(b) Household exemptions.

A person maintaining a household is exempt from the requirements of this division and chapter 6.5 of the Health and Safety Code for the management of that person's universal waste, provided:

(1)(A) the waste is not disposed except those wastes exempted pursuant to subsection (a) of this section;

(B) the person does not disassemble or otherwise treat the waste; and

(C) the universal waste generated by the person is transported to another universal waste handler or to a destination facility.

~~(e) (c)~~ Persons managing universal waste identified as household hazardous waste pursuant to 40 CFR section 261.4 and persons identified as conditionally exempt small quantity generators pursuant to 40 CFR section 261.5 may, at their option, manage their universal wastes under this chapter. If these persons decide to not manage their waste pursuant to this chapter, as provided in this section, these wastes must be managed pursuant to the standards for other hazardous wastes under this division and Chapter 6.5 of the Health and Safety Code.

~~(f) "Electronic product generators," as defined in section 66273.9, are exempt from the requirements contained in sections 66273.82 through 66273.89 pertaining to CRT devices provided the generator manages the CRT devices in accordance with all of the following conditions:~~

~~(1) The electronic product generator does not dispose of any CRT device; and~~

~~(2) The electronic product generator does not disassemble or otherwise treat any CRT device; and~~

~~(3) All CRT devices generated by the electronic product generator are transported to a CRT material handler or to a permitted household hazardous waste collection facility.~~

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR sections 261.4, 261.5 and 273.8.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.9 to read:

**' 66273.9. Definitions.**

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

*"Cathode ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electrical signal into a visual image.*

"Conditionally exempt small quantity universal waste generator" means a generator of universal waste who ~~generates~~:

(1) Through February 8, 2004:

(A) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste, *but excluding CRT materials*; and

(B) remains in compliance with 40 CFR section 261.5; and

(2) from February 9, 2004 through February 8, 2006;

(A) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste; and

(B) no more than 30 universal waste lamps in any calendar month; and

(C) no more than 20 pounds of universal waste batteries in any calendar month; and

(D) remains in compliance with 40 CFR section 261.5.

"Consumer Electronic Device" means any electronic device, or any component of an electronic device, that is used in the home or elsewhere, including, but not limited to, computers, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. A consumer electronic device does not include any CRT device as defined in this section, or any major appliance as defined in the Public Resources Code section 42166.

*"CRT device" means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers and oscilloscopes.*

*"CRT glass" means any glass released, derived or otherwise generated from the*

*treatment or breakage of one or more CRTs.*

*“CRT material” means all or any of the following:*

*(a) a CRT, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);*

*(b) a CRT device, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);*

*(c) CRT glass, as defined in this section, that is or has become a waste pursuant to section 66273.6(c) and that is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.*

*“CRT material handler” means any person that generates, accumulates, stores, treats, or recycles any CRT material.*

*“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in section 66273.13, and section 66273.33(a), (b), and (c) and section 66273.83. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.*

~~*“Electronic Product Generator” means a generator of a total of five or less CRT devices per year.*~~

*“Generator” or “producer” means:*

*(a) any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.*

*(b) any person, by site, whose act or process produces universal waste as defined in this section or whose act first causes a universal waste to become subject to regulation.*

*“Household” means a private residence. For the purposes of this section, household does not mean a hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground, or day-use recreation facility.*

*“Lamp”, also referred to as “universal waste lamp” is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.*

*“Large Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (batteries, thermostats, or lamps, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.*

*“Offsite” means any site which is not onsite.*

“On-site” means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

“Small Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, thermostats, or lamps, calculated collectively) at any time.

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury- containing ampules that have been removed from these temperature control devices in compliance with the requirements of sections 66273.13(c)(2) or 66273.33(c)(2).

“Universal Waste” means any of the ~~following~~ wastes that are listed in ~~conditionally exempt from classification as hazardous wastes pursuant to section 66261.9(a).~~:

- ~~(a) Batteries as described in section 66273.2;~~
- ~~(b) Thermostats as described in section 66273.4;~~
- ~~(c) Lamps as described in section 66273.5; and~~
- ~~(d) Cathode ray tube materials as described in section 66273.6.~~

“Universal Waste Handler”:

(a) Means:

(1) A generator (as defined in section 66260.10 and this section) of universal waste;

or

(2) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(b) Does not mean:

(1) A person who treats (except under the provisions of section 66273.13 or section 66273.33(a), (b), or (c)), disposes of, or recycles universal waste; or

(2) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

(3) A CRT material handler, as defined in this section.

“Universal Waste Transfer Facility” means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

“Universal Waste Transporter” means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1, and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR sections 261.4, 261.5, and 273.9.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.13 to read:

**§ 66273.13. Waste Management.**

(a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of this division. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (1) A small quantity handler of universal waste shall contain any universal waste

thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3)(A) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or
2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and ~~shall manage it~~ is subject to chapter 12.

(C) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.



(c) Lamps. A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(d) Reserved.

(e) Consumer electronic devices. A small quantity handler of universal waste shall manage consumer electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any consumer electronic device in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the consumer electronic devices. Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Whole consumer electronic devices that are managed in a manner that prevents breakage of the device and release of hazardous components of the device (e.g, shrink-wrapped on a pallet) shall be considered to comply with this requirement.

(2) A small quantity handler of universal waste shall immediately clean up and place in a container any consumer electronic device that is broken and shall place in a container any consumer electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the consumer electronic devices and shall lack evidence of leakage, spillage or damage that could cause releases of hazardous components to the environment under reasonably foreseeable conditions.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.13.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.14

to read:

**§ 66273.14. Labeling/Marking.**

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Battery(ies), or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)".

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(d) Reserved.

(e) Each consumer electronic device or a container or package in which consumer electronic devices are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Consumer Electronic Device(s)" or "UW--Consumer Electronic Device(s)."

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.14.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.20 to read:

**§ 66273.20. Exports.**

A small quantity handler of universal waste who sends universal waste, not including consumer electronic devices, to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:

(a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a) (1) through (4), (6), and (b) and 66262.57;

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in article 5 of chapter 12; and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

(d) A small quantity handler of universal waste who sends consumer electronic devices to any foreign destination shall notify the Department and concurrently send a copy of that notification to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3, of an intended export before such consumer electronic device is scheduled to leave the United States. A completed notification shall be submitted four weeks before the initial shipment is intended to be shipped offsite. This notification shall cover export activities extending over a twelve (12) month or lesser period.

(e) The notification submitted pursuant to subsection (d) of this section shall be in writing, signed by the universal waste handler, and include the following information:

(1) name, mailing address, and telephone number of the universal waste handler;

(2) the foreign destination, for each type of consumer electronic device:

(A) the amount of consumer electronic devices (by count or by weight);

(B) the estimated frequency or rate at which the consumer electronic device is to be exported and the period of time over which the consumer electronic device is to be exported;

(C) all points of entry to and departure from each foreign country through which the consumer electronic device will pass;

(D) a description of the means by which each shipment of consumer electronic devices will be recycled at the foreign destination; and

(E) the name and site address of the consignee or any alternate consignee.

(f) Notifications submitted under subsection (d) of this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory Programs

Electronic Hazardous Waste Regulations  
Department Reference Number: R-01-06  
Page 95

Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Consumer Electronic Devices" prominently displayed on the front of the envelope.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 273.20.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.33 to read:

**§ 66273.33. Waste Management.**

(a) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(3) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats. A large quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3)(A) A large quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or

2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to chapter 12.

(C) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or

local solid waste regulations.

(c) Lamps. A large quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(d) Reserved.

(e) Consumer electronic devices. A large quantity handler of universal waste shall manage consumer electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain any consumer electronic device in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the consumer electronic devices. Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Whole consumer electronic devices that are managed in a manner that prevents breakage of the device and release of hazardous components of the device (e.g, shrink-wrapped on a pallet) shall be considered to comply with this requirement.

(2) A large quantity handler of universal waste shall immediately clean up and place in a container any consumer electronic device that is broken and shall place in a container any consumer electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the consumer electronic devices and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of hazardous components to the environment under reasonably foreseeable conditions.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Section 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2,

Health and Safety Code; 40 CFR Section 273.33.



**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.34 to read:

**§ 66273.34. Labeling/Marking.**

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, shall be labeled or marked clearly with the any one of the following phrases: "Universal Waste-- Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container or tank in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-- Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(d) Reserved.

(e) Each consumer electronic device or a container or package in which consumer electronic devices are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Consumer Electronic Device(s)" or "UW--Consumer Electronic Device(s)."

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.34.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.40 to read:

**§ 66273.40. Exports.**

A large quantity handler of universal waste who sends universal waste, not including consumer electronic devices, to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:

(a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a)(1) through (4), (6), and (b) and 66262.57;

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in article 5 of chapter 12; and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

(d) A large quantity handler of universal waste who sends consumer electronic devices to any foreign destination shall notify the Department and concurrently send a copy of that notification to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3, of an intended export before such consumer electronic device is scheduled to leave the United States. A completed notification shall be submitted four weeks before the initial shipment is intended to be shipped offsite. This notification shall cover export activities extending over a twelve (12) month or lesser period.

(e) The notification submitted pursuant to subsection (d) of this section shall be in writing, signed by the universal waste handler, and include the following information:

(1) name, mailing address, and telephone number of the universal waste handler;

(2) the foreign destination, for each type of consumer electronic device:

(A) the amount of consumer electronic devices (by count or by weight);

(B) the estimated frequency or rate at which the consumer electronic device is to be exported and the period of time over which the consumer electronic device is to be exported;

(C) all points of entry to and departure from each foreign country through which the consumer electronic device will pass;

(D) a description of the means by which each shipment of consumer electronic devices will be recycled at the foreign destination; and

(E) the name and site address of the consignee or any alternate consignee.

(f) Notifications submitted under subsection (d) of this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory Programs

Electronic Hazardous Waste Regulations  
Department Reference Number: R-01-06  
Page 102

Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Consumer Electronic Devices" prominently displayed on the front of the envelope.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.40.

**Amend** California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.60 to read:

**§ 66273.60. Applicability.**

(a) The owner or operator of a destination facility (as defined in section 66273.9) is subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this chapter, and the notification requirement under Health and Safety Code section 25153.6.

(b) The owner or operator of a destination facility that recycles universal waste shall comply with the applicable provisions of chapter 14 or 15 and the applicable provisions of chapter 20.

NOTE: Authority Cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.60.

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7 and section 66273.80 to read:

**Article 7. *Standards for CRT Material Handlers***

**' 66273.80. *Applicability.***

*This article applies to CRT material handlers (as defined in section 66273.9) except for households and conditionally exempt small quantity universal waste generators, as provided in section 66273.8 for ~~electronic product generators~~.*

*NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.*

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.81 to read:

**' 66273.81. Prohibitions.**

*A CRT material handler is:*

- (a) Prohibited from disposing of the CRT material; and*
- (b) Prohibited from diluting or treating the CRT material, unless the handler is responding to a release as provided in section 66273.87 or the handler is managing specific wastes as provided in section 66273.83.*

*NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.*

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.82 to read:

**' 66273.82. Notification Requirements for CRT Material Handlers.**

(a) A CRT material handler that accepts five or less CRTs, five or less CRT devices, or 100 kilograms or less of CRT glass per calendar year from offsite sources is not required to notify the Department of universal waste handling activities.

(b) A CRT material handler that accepts more than five CRTs or more than five CRT devices or more than 100 kilograms of CRT glass per calendar year from any offsite source shall, ~~no later than~~ by November 1 of each calendar year, ~~commencing November 1, 2001, send~~ submit written or electronic notification containing the information specified in subsection (d) to the Department ~~and to the local CUPA~~. For written notifications, the notification shall be submitted by certified mail, return receipt. The information submitted under this subsection shall cover CRT material handling activities during the previous year (October 1 to September 30). A permitted Household Hazardous Waste Collection Facility, as defined in HSC Health and Safety Code section 25218.1, may elect to submit this information in conjunction with the notification required by HSC Health and Safety Code section 25218.9 in lieu of submitting a separate notification.

(c) A CRT material handler that generates 5,000 kilograms (about 200 CRTs) or more of CRT material (CRTs, CRT devices and CRT glass calculated collectively) per calendar year shall, ~~no later than~~ by November 1 of each calendar year, ~~commencing November 1, 2001, send~~ submit written or electronic notification containing the information specified in subsection (d) to the Department ~~and to the local CUPA~~. For written notifications, the notification shall be submitted by certified mail, return receipt. The information submitted under this subsection shall cover CRT material handling activities during the previous year (October 1 to September 30).

(d) This notification shall include:

- (1) The CRT material handler's name and mailing address;
- (2) The name and business telephone number of the person at the CRT material handler's site who should be contacted regarding universal waste management activities;
- (3) The address or physical location of the CRT material management activities;
- (4) The total quantity of CRTs (count), the total quantity of CRT devices (count) and the total quantity of CRT glass (weight) handled during the previous year;
- (5) A list including the names, addresses, and phone numbers of each location that the handler shipped CRTs to during the previous year and the total quantity of CRTs

*(count) shipped to each location;*

*(6) A list including the names, addresses, and phone numbers of each location that the handler shipped CRT devices to during the previous year and the total quantity of CRT devices (count) shipped to each location;*

*(7) A list including the names, addresses, and phone numbers of each location that the handler shipped CRT glass to during the previous year and the total quantity of CRT glass (weight) shipped to each location.*

*(e) Whenever necessary, handlers ~~utilizing~~ who use mass based inventory systems may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill this notification requirement. Handlers who perform data conversions shall indicate that the count data was derived from mass data and shall include the conversion factor(s) used in their notification.*

*~~(f) Notwithstanding subsection (d) of this section, notifications submitted on or before November 1, 2001, only need to include the following information:~~*

*~~(1) The CRT material handler's name and mailing address;~~*

*~~(2) The name and business telephone number of the person at the CRT material handler's site who should be contacted regarding universal waste management activities;~~*

*~~(3) The address or physical location of the CRT material management activities.~~*

*(f) Notifications submitted under this section by mail shall be sent to the following address: Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory Programs Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification of CRT Materials Handling Activities" prominently displayed on the front of the envelope.*

*(g) Notifications submitted under this section electronically shall be submitted to [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

**NOTE:** Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.



**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.83 to read:

**' 66273.83. Waste Management.**

*(a) A CRT material handler shall manage CRT materials in a manner that prevents release of any CRT material or component of a CRT material to the environment, as follows:*

*(1) A CRT material handler shall contain any CRT materials in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the container (CRTs, CRT devices and CRT glass). Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. ~~Whole CRT devices that are managed~~ A CRT material handler who manages whole CRT devices in a manner that prevents breakage of the CRT and release of CRT glass (e.g., shrink-wrapped on a pallet) shall be considered to comply with this requirement.*

*(2) A CRT material handler shall immediately clean up and place in a container any CRTs, ~~and~~ CRT devices and CRT glass that is broken and shall place in a container any CRTs, ~~and~~ CRT devices and CRT glass that shows evidence of breakage, leakage, or damage that could cause the release of lead or other hazardous constituents to the environment. Containers shall be structurally sound, and compatible with the contents of the container (CRTs, ~~and~~ CRT devices and CRT glass) and shall lack evidence of leakage, spillage or damage that could cause the release of glass or other hazardous constituents to the environment under reasonably foreseeable conditions.*

*(b)(1) A CRT material handler may remove CRTs from CRT devices provided the handler:*

*(A) Removes the CRTs in a manner designed to prevent breakage of the CRTs;*

*(B) Removes the CRTs only over or in a containment device (e.g., a tray, ~~or a~~ box, or an enclosed machine) sufficient in size and construction to contain any CRT glass that may be released in the event of breakage;*

*(C) Ensures that persons removing CRTs are thoroughly familiar with the techniques and safety precautions required to safely remove CRTs;*

*(D) Packages the removed CRTs in a container with sufficient packing materials to prevent breakage during handling, storage and transportation.*

*(2) A CRT material handler who removes CRTs from CRT devices shall determine whether any of the remaining portion of the CRT device or any other waste generated during the removal process exhibits any characteristic of a hazardous waste identified in article 3 of chapter 11 and, if so, shall manage the hazardous waste in*

*compliance with all applicable requirements of this division.*

*(c) A CRT material handler may treat or recycle CRTs, CRT devices or CRT glass provided the handler:*

*(1)(A) Submits a notifications to the Department pursuant to subparagraphs 1 and through 3.*

*1. For facilities that have treated or recycled CRT material on or before the effective date of these regulations, the handler shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 3 no later than November 1, 2001.*

*2. For facilities that commence treatment or recycling CRT material after the effective date of these regulations, the handler shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 3 no later than 30 days prior to recycling or treating any CRT material.*

*3. For a facility that treats or recycles CRT material, the CRT material handler at that facility shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 2 no later than 30 days prior to treating or recycling any CRT material.*

*2. This notification shall include:*

- a. The information specified in subsections 66273.82(d)(1), (d)(2), and (d)(3);*
- b. The name, mailing address and telephone number of the owner of the facility;*
- c. A description of the type of CRT material treated;*
- d. A description of the treatment processes used;*
- e. Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the operator is conducting CRT waste treatment or recycling operations at the facility;*

*3. For a facility that treated or recycled CRT material pursuant to this subsection, the CRT material handler at that facility shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 4 no later than 30 days prior to ceasing treatment or recycling activities at the facility, and shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 5 no later than 30 days after ceasing treatment or recycling activities at the facility.*

*4. This notification shall include:*

- a. The date when the CRT material handler expects to complete CRT material treatment or recycling activities;*
- b. The date when the CRT material handler expects to complete CRT material handling activities at the facility, if applicable; and*
- c. The date when the CRT material handler expects to close or vacate the facility.*

5. This notification shall include:

a. The date of the last day on which the CRT material handler conducted CRT material treatment or recycling activities;

b. The date of the last day on which the CRT material handler conducted CRT material handling activities at the facility, if applicable; and

c. The date the CRT material handler closed or vacated the facility.

*(B) Completes, signs and dates each notification required by this paragraph in accordance with the requirements of section 66270.11 as those requirements apply to permit applications;*

*(2) Prepares and maintains records of a cost estimate for closure pursuant to section 66265.142 by no later than ~~the latest of the following dates: November 1, 2001,~~ or 30 days prior to recycling or treating any CRT material;*

*(3) Submits to the Department, by certified mail, with return receipt requested, documentation demonstrating financial assurance for closure pursuant to section 66265.143 no later than ~~the latest of the following dates: November 1, 2001 or 30 days~~ prior to recycling or treating any CRT material;*

*(4) Submits to the Department, by certified mail, with return receipt requested, documentation demonstrating financial responsibility for liability pursuant to section 66265.147 no later than ~~the latest of the following dates: November 1, 2001 or 30 days~~ prior to recycling or treating any CRT material;*

*(5) Prepares and maintains the documents specified in subparagraphs (5)(A) and (5)(B) at the facility by no later than ~~the latest of the following dates: November 1, 2001~~ or 30 days prior to recycling or treating any CRT material. The CRT material handler shall make these documents available upon demand at the facility to any representative of the Department, the U. S. EPA or a local governmental agency having jurisdiction over the facility. A copy of these documents shall be delivered in person or by certified mail, ~~with~~ return receipt requested, to the Department when requested in writing. The written request from the Department, shall specify the documents that are required, where and how to submit those documents and the date by which those documents shall be submitted.*

*(A) A copy of the most recent notification submitted as required by subsection (c).*

*(B) A copy of any local air district permit and other permits required for the facility.*

*(6) Prepares and submits an annual report to the Department. The annual report shall be delivered by certified mail, return receipt requested, to the Department ~~no later than~~ by November 1 of each calendar year, ~~beginning November 1, 2002.~~ The report shall be dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall include the following information for each CRT material handler who treated CRT materials during the ~~calendar~~ previous year*

(October 1 to September 30):

- (A) The name, address, physical location and a description of the facility;*
- (B) The mailing address of the business entity that owns and operates the facility;*
- (C) The name, title and telephone number of the person at the facility who should be contacted regarding universal waste management activities at the facility;*
- (D) The facility EPA Identification number, if required;*
- (E) The number of days each facility operated;*
- (F) The total quantity (count or weight) of CRT devices treated or recycled by the handler during the previous year;*
- (G) The total quantity (count or weight) of CRTs treated or recycled by the handler during the previous year;*
- (H) A list including the names, addresses, and phone numbers of each location ~~that to which~~ the handler shipped CRT glass to during the previous year and the total quantity of CRT glass (weight) shipped to each location;*
- (I) The treatment or recycling method used for each CRT material treated by the facility;*
- (7) Does not accept any CRTs, CRT devices or CRT glass that are managed, or are required to be managed, as hazardous waste under chapters 10 through 22 of this division;*
- (8) Conducts the treatment for the purpose of recycling one or more types of CRT glass and the CRT glass is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter;*
- (9) Ensures all treatment is conducted over or in a containment device (e.g., a tray, box or enclosed machine) sufficient in size and construction to contain any CRT glass that may be released;*
- (10) Utilizes only treatment methods that employ one or more of the following technologies:*
  - (A) physical processes that change only the physical properties of the waste such as cutting, sawing, breaking, shredding, crushing, or compacting; and/or*
  - (B) separation based on differences in physical properties such as size, color, or density; and/or*
  - (C) screening to separate components based on size;*
- (11) Ensures the treatment is conducted without the use or application of:*
  - (A) chemicals (including water); or*
  - (B) external heat, other than the use of a pinpoint torch to thermally check (crack) the CRT glass for separation;*
- (12) Ensures that all persons that perform treatment or recycling are thoroughly familiar with the associated hazards and have access to ~~with~~ the proper procedures and*

protective equipment necessary to safely conduct the treatment and to comply with the requirements of this section;

*(13) Ensures that the facility is operated in compliance with all applicable local and state air pollution control laws and regulations; and*

*(14) Ensures that all materials generated as a result of the treatment processes are properly classified and managed in accordance with the applicable requirements of this division.*

(15) Ensures that the activities conducted at the facility are consistent with local zoning or land use requirements for that site.

(16) Maintains compliance with the requirements of sections 66265.18 and 66265.25 of chapter 15 as those requirements apply to facility location and design standards.

*(d) A handler that treats or recycles CRT materials pursuant to subsection (c) of this section shall not be deemed to be operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.*

*NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.*

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.84 to read:

**' 66273.84. Labeling/Marking.**

~~Each CRT or CRT device, or container or pallet in or on which CRTs or CRT devices or CRT glass are contained shall be labeled or marked clearly with one of the following phrases: "CRTs" or "CRT Devices" or "CRT Glass" or "contains leaded glass." In lieu of labeling individual CRTs or CRT devices, a CRT material handler may accumulate CRTs and CRT devices within a designated area demarcated by boundaries that are clearly labeled as described above provided no other materials are stored within that area.~~

Each container or pallet in or on which CRTs, CRT devices or CRT glass are contained, including pallets that also contain items that are not waste, shall be labeled or marked clearly with one of the following phrases:

(a) For CRTs, "Universal Waste--CRT(s)" or "UW--CRT(s);"

(b) For CRT Devices, "Universal Waste--CRT Device(s)" or "UW--CRT Device(s);"

(c) For CRT Glass, "Universal Waste--CRT Glass" or "UW--CRT Glass."

(d) In lieu of labeling individual CRTs or CRT devices, a CRT material handler may accumulate CRTs and CRT devices within a designated area demarcated by boundaries that are clearly labeled as described above provided no other materials are stored within that area.

*NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.*

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.85 to read:

**' 66273.85. Accumulation Time Limits.**

*(a) A CRT material handler may accumulate CRT material for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (b) of this section are met.*

*(b) A CRT material handler who accumulates CRT material shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it became a waste or was received. The handler may make this demonstration by:*

*(1) Placing the CRT material in a container and marking or labeling the container with the earliest date that any CRT material in the container became a waste or was received;*

*(2) Marking or labeling each individual item of CRT material (e.g., each CRT or CRT device) with the date it became a waste or was received;*

*(3) Maintaining an inventory system on-site that identifies the date each CRT material became a waste or was received;*

*(4) Maintaining an inventory system on-site that identifies the earliest date that any CRT material in a group of CRT material items or a group of containers of CRT material became a waste or was received;*

*(5) Placing the CRT material in a specific accumulation area and identifying the earliest date that CRT material in the area became a waste or was received; or*

*(6) Any other method that clearly demonstrates the length of time that the CRT material has been accumulated from the date it became a waste or was received.*

**NOTE:** Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.86 to read:

**' 66273.86. Employee Training.**

(a) A CRT material handler shall inform all employees who handle or have responsibility for managing CRT material of the proper handling and emergency procedures appropriate for the waste handled at the facility. At a minimum, employees shall receive initial training on:

(1) the hazards associated with handling CRT materials (i.e., leaded glass);

(2) the requirements contained in this chapter; and

(3) the proper procedures for responding to and managing releases of CRT glass.

(b) Employees shall take part in an annual review of the initial training required in subsection (a) of this section.

(c) The CRT material handler shall maintain records of employee training received under subsection (a) of this section for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

*NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.*



**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.87 to read:

**' 66273.87. Response to Releases.**

*(a) A CRT material handler shall immediately contain all releases of CRT material and residues from CRT material.*

*(b) A CRT material handler shall determine whether any material resulting from a release is hazardous waste and, if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The CRT material handler is considered the generator of material resulting from a release, and shall manage it in compliance with chapter 12.*

*(c) Waste consisting only of residues of leaking, broken, or otherwise damaged CRT material may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.83.*

*NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.*

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.88 to read:

**' 66273.88. Off-site Shipments.**

*(a) A CRT material handler is prohibited from sending or taking CRT material to a place other than another CRT material handler, a destination facility, or a foreign destination.*

*(b) If a CRT material handler transports CRT material off-site, the handler is a universal waste transporter for those transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the CRT material.*

*(c) If a CRT material being offered for off-site transportation meets the definition of a hazardous material under 49 CFR parts 171 through 180, a CRT material handler shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;*

*(d) Prior to sending a shipment of CRT material to another CRT material handler, the originating handler shall obtain an agreement from the receiving handler that it will receive the shipment.*

*(e) If a CRT material handler sends a shipment of CRT material to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:*

- (1) Receive the waste back when notified that the shipment has been rejected, or*
- (2) Agree with the receiving handler on a destination facility to which the shipment will be sent.*

*(f) A CRT material handler may reject a shipment containing CRT material, or a portion of a shipment containing CRT material that is received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact and notify the originating handler of the rejection. The receiving handler shall:*

- (1) Send the shipment back to the originating handler, or*
- (2) Send the shipment to a destination facility (if agreed to by both the originating and receiving handler).*

*(g) If a CRT material handler receives a shipment of CRT material containing hazardous waste that is not a CRT material, the handler shall immediately notify the Department, in writing, of the shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.*

*(h) If a CRT material handler receives a shipment of non-hazardous,*

*non-universal waste, the handler ~~may~~ shall manage the waste ~~in any way that is in~~ compliance with applicable federal, state and local solid waste regulations.*

*NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.*

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.89 to read:

**' 66273.89. Tracking Universal Waste Shipments of CRT Materials.**

*(a) Receipt of shipments.*

*A CRT material handler shall keep a record of each shipment of CRT materials received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of CRT material received shall include the following information:*

- (1) The name and address of the originating handler or foreign shipper;*
- (2) The quantity (count or weight) of each type of CRT material received (e.g., CRTs, CRT devices or CRT glass); and*
- (3) The date of receipt of the shipment.*

*(b) Shipments off-site.*

*A CRT material handler shall keep a record of each shipment of CRT material sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of CRT material sent shall include the following information:*

- (1) The name and address of the CRT material handler, destination facility, or foreign destination to whom the CRT material was sent;*
- (2) The quantity (count or weight) of each type of CRT material sent (e.g., CRTs, CRT devices, CRT glass);*
- (3) The date the shipment of CRT material left the facility.*

*(c) Record retention.*

*A CRT material handler shall retain the records described in this section for at least three years from the date of receipt or date of shipment of each shipment of CRT material.*

**NOTE:** Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

**Add** California Code of Regulations, title 22, division 4.5, chapter 23, article 7, section 66273.90 to read:

**' 66273.90. Exports.**

~~A CRT material handler who sends CRT material to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:~~

~~(a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a)(1) through (4), (6), and (b) and 66262.57;~~

~~(b) Export such CRT material only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as described in article 5 of chapter 12; and~~

~~(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.~~

(a) A CRT material handler who sends CRT material to any foreign destination shall concurrently notify the Department and send a copy of that notification to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3, of an intended export before such CRT material is scheduled to leave the United States. A completed notification shall be submitted four weeks before the initial shipment is intended to be shipped offsite. This notification shall cover export activities extending over a twelve (12) month or lesser period.

(b) The notification submitted pursuant to subsection (a) shall be in writing, signed by the CRT material handler, and include the following information:

(1) name, mailing address, and telephone number of the CRT material handler;

(2) the foreign destination, for each type of CRT material (i.e., CRTs, CRT device, or CRT glass):

(A) the amount of CRT material (by count or by weight);

(B) the estimated frequency or rate at which the CRT material is to be exported and the period of time over which the CRT material is to be exported;

(C) all points of entry to and departure from each foreign country through which the CRT material will pass;

(D) a description of the means by which each shipment of CRT materials will be recycled at the foreign destination; and

(E) the name and site address of the consignee or any alternate consignee.

(c) Notifications submitted under this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory Programs Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export CRT Materials"

prominently displayed on the front of the envelope.

*NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.*